

FILED

APR 11 2022

UNITED STATES DISTRICT COURT

for the
Northern District of OklahomaMark C. McCartt, Clerk
U.S. DISTRICT COURTIn the Matter of the Search of
Derius Donovan Ledet to Seize Samples of
Deoxyribonucleic Acid ("DNA") currently located at
David L. Moss Detention Center at
300 N. Denver Ave., Tulsa, OK 74103)
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)
)
)

Case No.

22-MJ-235-JFJ**FILED UNDER SEAL**

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment "A"

located in the Northern District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of:

Code Section


Offense Description

18 U.S.C. § 922(g)(1)
18 U.S.C. § 2119Possession of Firearm by Prohibited Person (Felon)
Carjacking

The application is based on these facts:

See Affidavit of TFO Vernon McNeal, attached hereto.

- ☒ Continued on the attached sheet.
☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signatureVernon McNeal, TFO, FBI
Printed name and title

Sworn to before me and signed by phone.

Date:

4-11-22
Judge's signatureCity and state: Tulsa, OklahomaJodi F. Jayne, U.S. Magistrate Judge
Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**In the Matter of the Search of
Derius Donovan Ledet to Seize
Samples of Deoxyribonucleic Acid
("DNA") currently located at David
L. Moss Detention Center at 300 N.
Denver Ave., Tulsa, OK 74103**

Case No. _____

FILED UNDER SEAL

**Affidavit in Support of an Application
Under Rule 41 for a Warrant to Search and Seize**

I, Detective Vernon McNeal, being first duly sworn under oath, depose and state:

Introduction and Agent Background

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to search and seize property, specifically, to search the person of DERIUS DONOVAN LEDET located at David L. Moss Detention Center at 300 N. Denver Ave., Tulsa, OK 74103, further described in Attachment A, to seize a deoxyribonucleic acid (DNA) sample of DERIUS DONOVAN LEDET by buccal (cheek) swab, as further described in Attachment B, because this sample may constitute evidence of violations of Title 18 United States Code Section 922(g)(1) (Felon in Possession of a Firearm) and Title 18 United States Code Section 2119 (Carjacking) by DERIUS DONOVAN LEDET.

2. I am a federal law enforcement officer as defined under Rule 41(a)(2)(C) and am authorized to request this search warrant because I am a government agent who is engaged in enforcing federal criminal laws and I am within the category of officers

authorized by the Attorney General to request such a warrant. I am a Task Force Officer with the Federal Bureau of Investigation and a Robbery Detective for the Tulsa Police Department. I have been employed as a Tulsa Police Officer in Tulsa, Oklahoma since 2008. As a result of my employment with the Tulsa Police Department, my duties include, but are not limited to, the investigation and enforcement of robberies. I have received training in Indian Country and violent crimes and have investigated violent crimes in Indian Country. Currently, I am a Robbery Detective for the Tulsa Police Department in Tulsa, OK and authorized by law to conduct investigations of violent crimes. As a member of the Robbery Unit, I have conducted multiple investigations into violent crimes, such as Robbery, Kidnapping, and shootings, both on a state and federal level. Prior to being assigned in the Robbery Unit, I was assigned to the Family Violence Unit where I investigated crimes such as Rape, Kidnapping, 1st Degree Burglary, Shooting with Intent to Kill, and felony and misdemeanor assaults. I have gained experience and knowledge through my training and everyday work related to conducting these types of investigations.

3. I am familiar with the facts and circumstances of this investigation. The facts set forth in this affidavit are based on my personal observations, knowledge obtained from other law enforcement officers, my review of documents related to this investigation, conversations with others who have personal knowledge of the events and circumstances described herein, and a review of open-source information including information available on the Internet. Because this affidavit is submitted

for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact I or others have learned during the course of this investigation.

4. Based on my training, experience, and the facts set forth in this affidavit, there is probable cause to believe that evidence of violations of Title 18 United States Code Section 922(g)(1) (Felon in Possession of a Firearm) and Title 18 United States Code Section 2119 (Carjacking) will be located on the person or in the DNA of DERIUS DONOVAN LEDET.

Jurisdiction

5. “[A] warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.” 18 U.S.C. § 3103a.

6. The requested search is related to the following violations of federal law:

- a. Title 18 United States Code Section 922(g)(1) (Felon in Possession of a Firearm)
- b. Title 18 United States Code Section 2119 (Carjacking).

7. Venue is proper because the events described in this affidavit took place within the Northern District of Oklahoma. DERIUS DONOVAN LEDET is currently located at David L. Moss Detention Center at 300 N. Denver Ave., Tulsa, OK 74103, which is also within the Northern District of Oklahoma.

Probable Cause

8. On March 22, 2022, C.W. was attending his niece's birthday party at his sister's house in Tulsa, Oklahoma, when LEDET arrived at the house. LEDET was acting belligerently, so C.W. offered to give him a ride to get him to leave his sister's house. Once inside C.W.'s car, LEDET told C.W. to drive to an apartment complex near the River Spirit Casino at 81st Street and Riverside Drive in Tulsa. This location is in the Northern District of Oklahoma.

9. C.W.'s car is gray 2012 Lincoln MKZ sedan bearing VIN number 3LNKL2GC2CR806748 and Oklahoma tag LHN711. I reviewed the vehicle records for this Lincoln and confirmed that this car had been transported, shipped, or received through interstate and/or foreign commerce to reach the State of Oklahoma.

10. Once they arrived at the apartment complex, LEDET spotted a police officer patrolling the area and freaked out. LEDET then pulled out a revolver and pointed it at C.W. LEDET ordered C.W. to drive. C.W. advised that LEDET pointed the firearm at him five times during the course of the ride and intimidated him by telling C.W. that he was still deciding whether he was going to shoot him or not.

11. LEDET forced C.W. to drive to the Best Western Inn at 10143 E. 62nd Street in Tulsa. This location is also in the Northern District of Oklahoma. After arriving at the Best Western, LEDET ordered C.W. to get out of the Lincoln. LEDET ordered C.W. to take a tackle box out of the trunk of his vehicle and to hand over his wallet

and two cellphones. After handing them over, LEDET ordered C.W. to walk in one direction. LEDET took off in C.W.'s Lincoln, driving in the opposite direction. C.W. then went into the Best Western and called 911 for help.

12. The call from the victim was received by TPD dispatch at 1:15 a.m. The call notes reflect that there was a three-minute time lapse from when the car was taken and when the call was placed.

13. At approximately 2:40 a.m., Oklahoma Highway Patrol (OHP) notified TPD dispatch that they were enroute to the stolen Lincoln in the area of 5400 East I-244 Eastbound. The Lincoln was reported by civilians as being parked on the southside of I-244. OHP arrived and confirmed it was the stolen Lincoln. OHP troopers and TPD officers located LEDET sitting in the driver seat of the stolen Lincoln and placed him under arrest. C.W. was transported to the location for an on-scene show-up and identified LEDET as the suspect who carjacked him.

14. Officers searched C.W.'s vehicle after LEDET was taken into custody. During the search, officers located a revolver matching C.W.'s description of the revolver used in the carjacking stuffed in between the backseat cushion on the driver's side of the car. Officers also located a glass smoking pipe on the floorboard next to the driver's seat where LEDET had been sitting.

15. TPD Officer C. Raines transported LEDET to Detective Division. During transport, LEDET, unprompted, claimed he had consumed some meth and

purchased a car with a bag full of pennies from some unnamed guy. LEDET further stated that the next thing he knew, he had been pulled over. After arriving at the Detective Division, I briefly spoke with LEDET who stated he had smoked meth around 5:00 p.m. on Tuesday, March 22. He stated he understood what I was saying, and he wanted to know why he was there. I told him I would explain everything to him and offered him something to drink.

16. TPD Robbery Lieutenant J. Ritter and I entered the interview room with LEDET. I noted his earlier statement about recent drug use and asked LEDET if he fully understood what I was saying, to which he stated he did. LEDET further confirmed that he knew today was Wednesday. I then read him his *Miranda* Rights off of a pre-printed TPD Rights Waiver Form. LEDET agreed to speak and signed the TPD Rights Waiver form.

17. Post-Miranda, LEDET said a friend named Miguel had dropped him off earlier that morning to meet up with some girls named Ashley and either May or Michelle. He had only known these girls for about two weeks and that they owed him an "eight ball." Once he arrived, he used some meth. LEDET then asked C.W. for a ride, to which C.W. agreed. LEDET did not know C.W.'s name and referred to C.W. as "bro" the entire interview.

18. During the interview, LEDET alleged that he and C.W. had smoked meth together at an apartment complex at 71st Street and Riverside Drive; that they then went to a hotel on 61st St. by the highway and C.W. agreed to give LEDET his car

and that they planned to meet up later. LEDET stated that he drove to a park near Yale Manor Apts. at 900 N. Yale Ave. and C.W. was dropped off by some guy named "Moo-Moo" in a red Jeep.

19. LEDET further claimed that after "Moo-Moo" left, he and C.W. got on the highway. While on the highway, C.W.'s car malfunctioned. C.W. then called "Moo-Moo" to pick him up, leaving LEDET behind. C.W. stated he would come back for LEDET. LEDET then stayed with C.W.'s car.

20. LEDET stated that at some point, he drove C.W.'s car to a QuikTrip at Yale and Admiral Place, where he got a drink. LEDET was unable to explain how he got the car to start after it had malfunctioned. LEDET stated that after leaving the Quiktrip, he drove the car back to the spot on the highway where it malfunctioned to wait for C.W. The police then showed up and arrested him.

21. I asked LEDET if he had ever pulled a gun on C.W. He stated he had not. Lieutenant Ritter and I asked LEDET if the revolver recovered from the vehicle would have his DNA or fingerprints on it. He stated it was possible because while he was waiting for C.W. to return to the car, he went through C.W.'s car and found the gun. He then attempted to stuff the revolver into an area in the backseat.

22. After the interview, Lieutenant Ritter called the victim's sister, A.W. A.W. stated LEDET had been dropped off at her house earlier by a guy named Miguel. At the time he arrived, LEDET was already high on meth and acting erratically. She

began arguing with LEDET about a prior incident in which LEDET broke into her house and stole an iPad. LEDET then asked her for \$50. A.W. told him to leave on account of his behavior. C.W. then volunteered to give LEDET a ride. She stated that while at her house, LEDET was holding a revolver in his hand.

23. DERIUS DONOVAN LEDET is a prohibited person from possessing firearms and ammunition under Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm). He has the following felony convictions:

- a. Convicted on August 10, 2012 for Larceny of Merchandise from Retailer in CF 2012-0256, Osage County District Court, Oklahoma. Received 30 days in custody and a 5-year deferred sentence.
- b. Convicted on September 19, 2016 for DUI-Causing Great Bodily Injury and Personal Injury Accident While DUI in CF-2016-3111, Tulsa County District Court, Oklahoma. Received a 6-year sentence (2 in prison, 4 suspended) on each count to run concurrent.
- c. Convicted on February 12, 2018 for Unauthorized Use of a Vehicle in CF-2017-6547, Tulsa County District Court, Oklahoma. Received a 6-year sentence to run concurrent to CF-2016-03111.
- d. Convicted on November 24, 2020 for Carry or Possess Firearm by Convicted Felon in CF-2020-3854, Tulsa County District Court, Oklahoma. Received a 5-year sentence (3 in prison, 2 suspended) to run concurrent to CF-2020-4628 and CF-2020-4991.
- e. Convicted on November 24, 2020 for Burglary-Second in CF-2020-4628, Tulsa County District Court, Oklahoma. Received a 5-year sentence (3 in prison, 2 suspended) to run concurrent to CF-2020-3854 and CF-2020-4991.
- f. Convicted on November 24, 2020 for CF-2020-4991 for Carry or Possess a Firearm by Convicted Felon and Receiving, Possess, Conceal Stolen Vehicle, Tulsa County District Court, Oklahoma. Received a 5-year sentence (3 in prison, 2 suspended) to run concurrent to CF-2020-4628 and CF-2020-3854.

24. DNA samples obtained from DERIUS DONOVAN LEDET would be used to compare against a DNA swab taken from the recovered Rossi .38 caliber revolver recovered from the victim's vehicle. This is the same firearm that LEDET stated that he had shoved in the backseat.

**DNA Evidence Collection
of a Known Sample from a Person**

25. The collection of a DNA sample from a person for the purpose of this criminal investigation will be performed in a reasonable manner by law enforcement. In this case, a "buccal swab" will be taken from DERIUS DONOVAN LEDET by law enforcement. The sample will be then sent to a laboratory for analysis. The analysis of the DNA will be performed by trained criminalists in accordance with ISO/IEC 17025, which specifies the general requirements for the competence, impartiality, and consistent operation of laboratories. The ISO accreditation proves a laboratory has an acceptable quality management system in place, and it has the ability and competence to provide testing and calibration results.

26. Swabbing the inside of a person's mouth or cheek with a sterile cotton swab and preserving the saliva and cells obtained as a result is a reliable method for collecting a DNA sample. This process is referred to as taking a "buccal swab" or "buccal smear."

Conclusion

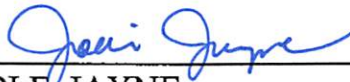
27. I make this affidavit in support of an application for a warrant to search the person of DERIUS DONOVAN LEDET, described in Attachment A, to seize a sample of DNA contained inside the human body of DERIUS DONOVAN LEDET, as described in Attachment B, as the DNA is believed to contain evidence of violations of federal law, as more fully described herein. Therefore, I request the Court allow for the collection of a DNA sample from DERIUS DONOVAN LEDET and subsequent analysis for the purpose of laboratory comparison.

Respectfully submitted,



TFO Vernon McNeal
Federal Bureau of Investigation

Subscribed and sworn to by phone on April 11th, 2022.

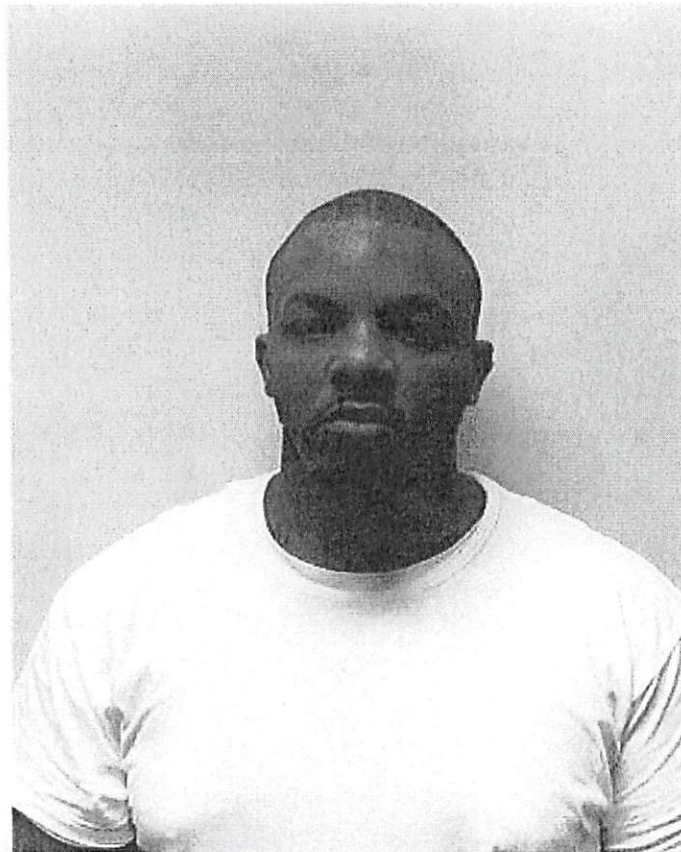


JODI F. JAYNE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to be Searched

This warrant applies to the person of DERIUS DONOVAN LEDET, Date of Birth 01/12/1990, and Social Security Number 439-77-5771, who is listed on his driver's license as 5'7" tall, weighing 165 pounds and having black hair and brown eyes, and who is pictured below:



ATTACHMENT B

Particular Things to be Seized

This warrant authorizes the seizure of the following materials, which constitute evidence of the commission of a criminal offense, namely violations of Title 18 United States Code Section 922(g)(1) (Felon in Possession of a Firearm) and Title 18 United States Code Section 2119 (Carjacking) by DERIUS DONOVAN LEDET, who is more fully described in Attachment A and pictured below:

1. The deoxyribonucleic acid (DNA) of DERIUS DONOVAN LEDET, collected via buccal (cheek) swab and suitable for laboratory comparison;

